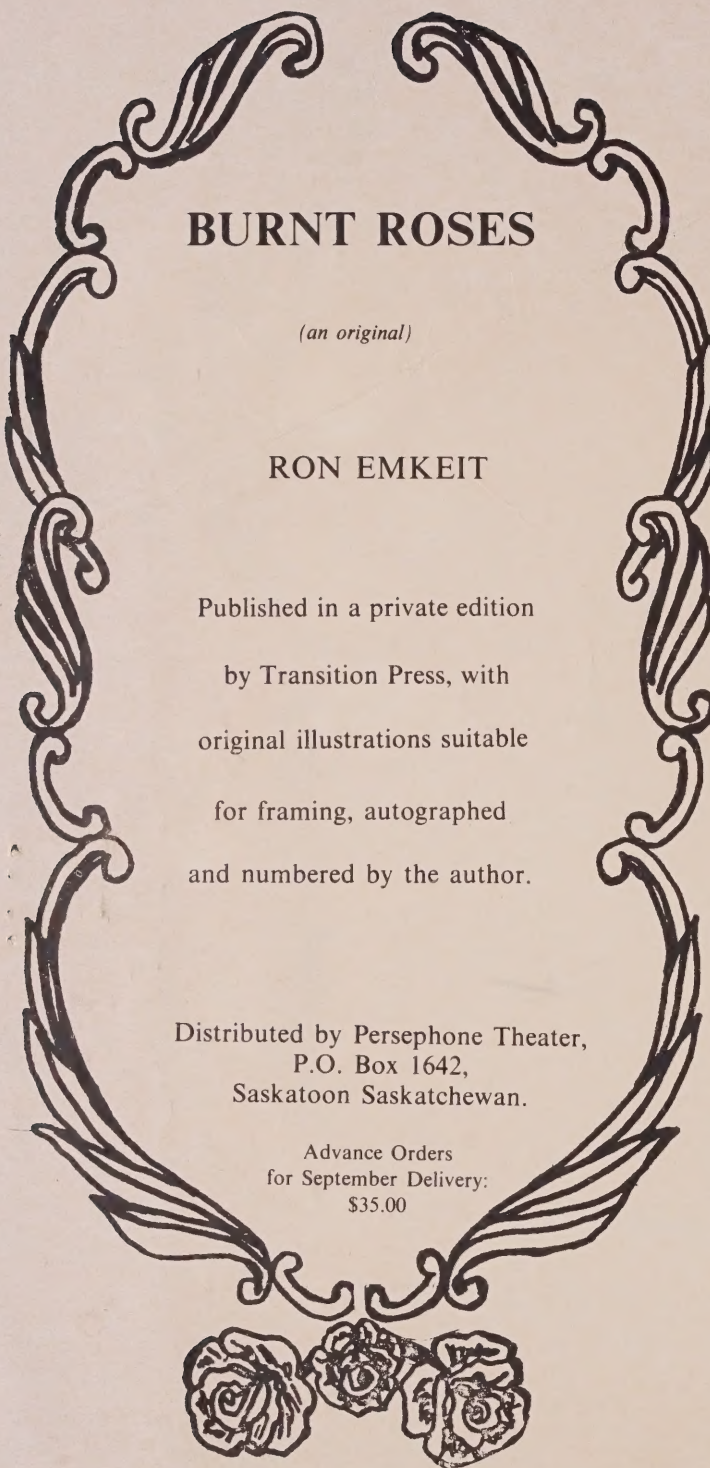


V.3, No.3, 1975

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BURNT ROSES

(an original)

RON EMKEIT

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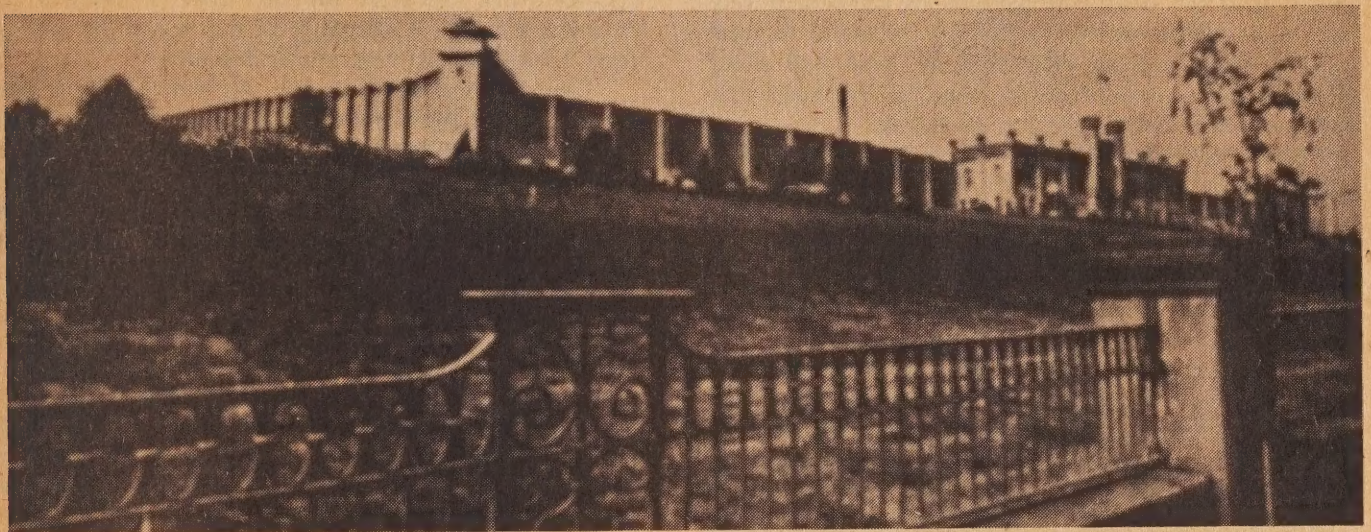
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PRISONERS UNION COMMITTEE

PEOPLE, PRISONS, POLITICS & POSITION PAPERS



British Columbia Penitentiary

The Beginnings

The early days of the Prisoners' Union committee date back beyond its initial awakening in Vancouver shortly over a year ago.

Perhaps it dates as far back as the roots of prison reform or as far even as the roots of unionism.

There have been vague inchoate mutterings about organizing amongst prison inmates for a number of years, but the step toward formalizing these mutterings seemed never to be taken. The loudest mutterer would be transferred or paroled, become bored or become more interested in something else.

In the inmates' minds organizing was mostly associated with regaining their civil or human rights. "Union" was regarded as a word with far too many

suspect connotations. To join the lunch bucket brigade meant, not only paying taxes to the government for nothing, but paying dues to a union for nothing.

During 1973-74, *Transition* published a series of articles exploring the possibility of a reformist-oriented prisoners' trade union. This wasn't a new thing; nor was it an impetus for formation of the Prisoners' Union Committee or the spark that ignited several thousand prisoners' awareness. Researching the articles was an education. We discovered prisoners' unions in several American states, in England, and in several European countries. Moreover, we discovered that some had been around for a few years. We also discovered that in some countries (Scandinavia), penal reform and prisoners' rights not only went hand-in-hand in dramatic ways, but did so in political ways; i.e., as political lobby groups.

To inmates and ex-inmates who traditionally regard the Solicitor General's Department as a pro-punishment political lobby, mere running dog to the Police Chiefs' Association, and all the rest of it, revelation indeed was learning that in some places pro-reform and pro-rights groups unafraid to use political means were existing, active, and fairly strong.

Throughout 1974 *Transition* continued to gather information about prisoners' unions and rights activities. From afar we began following efforts in several American states where prisoners were seeking recognition and certification in the courts. In several states, Michigan for example, efforts were being made to have prisoners recognized as employees of the State, which recognition would open the door to certification.

Then September, 1974, and whisperings of Canadian prisoners organizing became audible.

"Did you know about this prisoner union organizing at the B.C. Pen? It was kept secret in Vancouver. We did not know about it until it hit *Western Voice* . . . Please note the bracketed paragraphs explaining the legal basis of the organizing drive. It seems to require way less direct contact with the Pen'y. Svce. and more reference to clear legal casework than the few things you had mentioned before. (Letter, 13/9/74).

Here, it turned out, was Michigan revisited. A Vancouver lawyer, Mike Bolton, represented B.C. Pen'y inmates in an action to have inmates recognized as public service employees. The bid was summarily rejected, and we heard no more from B.C. until February. (The Michigan case moved through the courts to the State Appeal Court where, in early September, 1975, it was not granted leave to appeal, hence was rejected).

During the fall and into the winter, our attentions drifted elsewhere. Several prisons experienced peaceful demonstrations and sit-ins with respect to specific localized demands.

In December, Inger Hansen released her annual report which noted incidence of industrial accidents in prisons and the seeming failure of staff to inform injured inmates of their right to compensation. More important, perhaps, was her recommendation that solitary confinement of inmates be eliminated. The results, to date, of this recommendation are well-known. It was as if it was an idea whose time had come.

Late January and February saw the Prisoners Union Committee emerge, and it seemed almost to come on the same wave as the McCann et al. case, which at this writing is still before the courts, (it contends that PSR 230—use of solitary confinement—is contrary to the Bill of Rights because it is cruel and unusual punishment). The two were unrelated then, although names of three inmates in the case should be kept in mind: Andy Bruce, Keith Baker, and Donald Oag. Andy Bruce is presently being defended by Mike Bolton; Donald Oag is presently in Millhaven segregation for organizing activities in the several Millhaven strikes; and of Keith, more later. Suffice it that in a lengthy letter dated February 11th, discussing prison matters, Keith makes no mention of unionization.

Apparently in January, this year, Mike Bolton was approached by a member of the Company of Young Canadians, who suggested that the CYC might be prepared to support organizing of a prisoners' union. Shortly after this contact, several meetings were held in Vancouver to discuss the possibility and from these meetings the Prisoners Union Committee was formed. They were a handful, but they were a start—and, incidentally, CYC support apparently was rejected.

Time, the Throttler

Developing contacts became a priority for the young PUC. The Vancouver community nucleus comprised a few legal people, community workers, and ex-offenders. Outside the B.C. Pen'y. and the Lower Mainland of B.C., they had few contacts. Their basic objectives were to push for some sort of wage or operating cost coverage and to work foremost for the right of inmates to organize a union. A corollary of this was to develop a firm, broad base of community support.

Time was not on their side. As winter moved into spring, the prison's high, largely negative, profile in media seemed to blossom like an atomic cloud. There were cop killings in British Columbia, New Brunswick and elsewhere; prison staff were also dying. Prison guards were getting restive as the capital punishment lobby picked up pressure for another onslaught against public sensibilities.

By May, virtually every maximum security penitentiary in Canada could chalk up at least one major inmate demonstration and resolute presentation of demands. Prince Albert was the last, and the most successful. Administrators here demonstrated a willingness to discuss and to act. Elsewhere, reprisals were swift, notably at Millhaven. From the Mill', dissident inmates were transferred to Dorchester, Prince Albert, Archambault and St. Vincent de Paul.

Millhaven had never cooled after the Kingston uprising and subsequent transfers to Mill' and, of course, beatings by guards during the transfers which went ignored by the courts and Solicitor General.

The arbitrary use of solitary confinement by Millhaven authorities, and especially the suicide of Edward Nalon (August 10, 1974) while in solitary confinement at Millhaven, had been repeatedly exposed in Ontario media. Trumped-up assault charges by guards against inmates were regularly in the courts during these months. Some help up, some were dismissed. The sum of all this was a measure of intense solidarity among Millhaven inmates . . . but springing from factors and perceived needs somewhat different than the Prisoners Union Committee and New Westminster inmates. Nevertheless, there were two threads running through every institution across the country: elimination of solitary confinement and the need for some kind of organized voice, these entwined in a growing fear by inmates of the possibility of government bowing to the law.

and order lobby and introducing even more repressive measures than already exist—for the past two years security has tightened considerably, paroles have become difficult to obtain, and sentences have become longer; all factors which heighten daily tensions inside our prisons.

Into this national maze of activity and interests came PUC people. They worked desperately with the resources they had to develop contacts across the country while at the same time focus as much attention as possible to local prison problems in the Lower Mainland.

Events would not wait for them. In late June, a Quebec prison guard was slain. On July 5th, prison guards 7000 strong across the country staged a one-day walkout to protest government policy on capital punishment and to mourn the slain guard.

Sparks

The spark that flared into national prominence/notoriety for PUC came during the same week. Inmates of the Oakhalla Prison Farm staged a 31-hour sit-in, and foremost of their demands were an end to solitary confinement and recognition of a prisoners' union. PUC representatives were asked by inmates to negotiate with prison authorities on their behalf. PUC accepted the task.

And the sparks became flames. The B.C. Pen'y seige which ended in the death of Mary Steinhauser had been a part of early summer. By the time of the Oakhalla sit-in, the Farris Commission was already taking evidence.

The Oakhalla inmates' demands for PUC representation echoed similar demands by several B.C. Pen'y inmates who expressed willingness to testify before the Farris Commission provided they were represented by PUC lawyers. Also at the same time, negotiations were quietly underway to have Andy Bruce, one of the accused in the Steinhauser tragedy, defended in trial by Mike Bolton, a PUC founding member.

In mid-July, Mike Bolton went on record with the claim that PUC represented the inmates of B.C.'s three largest prisons (B.C.P., Oakhalla, and Matsqui). The most encouraging point he made, and doubtless one which imbued PUC in part with the confidence necessary to extend its involvements, was that during the Oakhalla sit-in, B.C. Attorney-General Alex MacDonald provided a measure of de facto recognition when he conceded PUC had value to authorities as a means of communication with inmates.



Inquiry Commissioners begin sittings . . . (from Left H.E. Popp, Mr. Justice Farris, Jack Lynch



Prisoners file into Vancouver courtroom . . . Andrew Bruce, Dwight Lucas and Claire Wilson.

CP Wirephoto

Implication of

VANCOUVER—The tragedy at the British Columbia Penitentiary raises a host of questions that range from capital punishment, through prison reform to international terrorism.

Some of the implications are so complex they will only begin to emerge in the reviews and debates already raging in the wake of the adoption of terrorist methods by three violent criminals serving life sentences.

One of these is the dividing line between acts of violence by common criminals and acts of violence by political terrorists.

It is a dividing line that the Canadian government tries not to recognize, maintaining that a crime is a crime, regardless of the motives of the criminals.

It is an attitude that most Canadians would support, but it has taken a beating in recent years through repeated acts of politically inspired terrorism throughout the world, with murder being used to blackmail governments, and other governments giving sanctuary to the murderers.

The Canadian government has been caught in the dreadful trap on several occasions, notably in the October crisis of 1970 when it made a deal with FLQ kidnappers of a British diplomat in Montreal, and flew them to exile in Cuba.

That constituted tacit recognition of the fact politically motivated crimes are not crimes like the others: a contention that forms part of the terrorists' creed.

The new factor in the incident at the B.C. penitentiary

was that the three inmates were serving life sentences for what might be termed conventional crimes: a shooting murder in support of a drug ring, an axe murder, and the attempted murder of a policeman.

The moment these three desperados seized their hostages and demanded to be flown out of the country, the difference between their situation and that of convicted political terrorists became apparent.

There always seem to be countries ready to grant sanctuary to political terrorists, even those who have committed mass murders of the most horrifying kind, and in the lexicon of the political terrorist, the more horrifying the murder is, the better for the cause.

Late in July, the B.C. scene, already in a turmoil, had another element introduced into it. Keith Baker, involved in the court action against P.S.R. 230 and a potential witness in the Steinhauser matter, is released on parole to Vancouver. Immediately he lends his energies to PUC and before the end of July confirms that 85% of B.C.P. eligible inmates have signed union application slips. On July 23rd, a one-week strike of B.C. Pen'y. inmates begins. By the 24th, over a hundred sympathizers, including PUC people and AIM (American Indian Movement) people provide a visible demonstration of support and solidarity outside the prison walls.

The B.C.P. inmates make the now almost-traditional demands: an end to solitary confinement and recognition of an inmates' union. Andre Therrien, Commissioner of Penitentiaries, refuses to discuss the matter. Neither he nor the Solicitor General is about to make the same mistake as MacDonald, who after his initial pro-PUC statement has been desperately backpedalling every time he encounters a journalist. The B.C.P. strike ends on July 29th. PUC resources are very



B.C. Tragedy

But what country wanted to take in conventional criminals? Our government, attempting to respond to the demands of the three tried to find out, and drew a blank, except for one country that, we are told, agreed to receive them on condition they would be arrested on arrival and shipped back to Canada immediately.

The question is, how is it that political murderers can find sanctuary, and common murderers cannot?

The answer is obvious: a number of governments in the world agree with the terrorists' contention that politically motivated crimes are not crimes in the traditional sense of the term, but indeed many may be acts of heroism.

As Solicitor-General Warren Allmand put it to the

Commons in reporting on the B.C. incident: "It would be almost unbelievable that persons with solely criminal records should expect that any country would want them."

Mr. Allmand's use of the phrase "solely criminal records" indicates recognition of the dividing line between ordinary crimes and political crimes. The stronger the line becomes, the more likely we are to accept the fact that politically motivated terrorists are something special, deserving of special consideration.

This is a widespread assumption in the world already, and a dangerous one that Canada has tried to avoid.

The government may argue that it draws no distinction: it tried to negotiate with the criminal inmates in the same way it would have negotiated

with political terrorists.

Terrorists would have found sanctuary somewhere, but only one country would consider taking the "common" criminals, and then only on a guaranteed double-cross.

Thus we learn, to our cost, that political criminals do have special status and that in the eyes of the world, the terrible thing is not that a person commits murder, but that the murder is an "ordinary" crime. If it's political murder, it apparently falls into a different and more acceptable category.

By Charles Lynch
Southam News Services

thinly spread, but there is still some optimism. The Farris Commission is still in session. McCann et al. is still before the courts. The national press, while not particularly sympathetic, haven't been outrightly opposed. Press seems not to care for the notion of a union with negotiating powers but, at least, concedes drastic change in the prisons is necessary.

The Whirlwind

Yet a whirlwind has descended upon PUC. In the rush of local affairs, communication across the country, which was shaky at best, virtually breaks down. Despite the breakdown there has been widespread press coverage. Inmates across the country know something is coming down in B.C. No one is certain what, when, nor how it can affect them locally or regionally.

On July 31st, a majority of inmates at Millhaven commence an 11-day sit-in in their cells to express support for New West inmates *but*, just as important to

them, if not more so, to commemorate the anniversary of the death of Edward Nalon and draw attention to the facts that neither the recommendations of the coroner's inquest into his suicide nor the recommendations of the Swackhammer Report been implemented in whole or part. Although, in actuality, of concern to most inmates in the country, until the time of this 11-day strike, almost no one knew about Edward Nalon or had much idea what was contained in the Swackhammer Report — thus what was central to Millhaven demands became less than secondary in the rest of the country.

Media begins to sour. Politicians have expressed unanimous scorn for the concept of the union. The Farris Commission refuses to hear the testimony of inmate witnesses. There's a strong probability the inmates directly involved will not even testify. Things are becoming rushed and reactionary. The strategies scenario seemed to call for a major counterthrust from PUC.

So it comes. On the 7th of August efforts are made to suggest to inmates across the country that they hold meetings and vote whether to hold a one-day hunger

strike to demonstrate solidarity with Millhaven inmates. Notice is very short and the communications lines relatively untried. But the message gets to many.

Inmates in many institutions conduct meetings, discuss the issues, discuss their own local issues, and vote. Generally, the decision is not treated as binding on all, only as an indicator. Inmates who vote "no" pick up their meals without reprisal from their fellows—tacit recognition that in every decision inside a prison, individuals are affected individually, a courtesy rarely extended inmates by authorities but in such matters as this, individual autonomy is critical.

The 10th of August comes and goes. Across the country community supporters begin assessing effectiveness in the obvious way of counting "how many went in each institution".

Canadian Penitentiary Service news releases are ignored. Although a few are accurate—they are confirmed by outside sources. Others are blatant lies—again confirmed by outside sources. In sum, a slim majority of federal and provincial inmates have participated in the one-day fast. When numbers are looked at in terms of inmates unable to participate—those in hospital wards, protective custody, and many who didn't know about it, thus could not seriously consider it, the majority is solid (in number, not institutions).

Ashes

The media has turned to ridicule or simple blackout. The Farris Commission closes without the testimony of inmate witnesses. Inmates across the country ask, "what's next?", but no one replies. Reprisals begin: twenty-one Millhaven inmates are thrown into the hole for an indeterminate time. PUC workers in Vancouver are denied rights to visit relatives in New West and Oakhalla. Clare Culhane, PUC organizer, who was teaching a course to women inmates at Oakhalla, has her course cancelled. To the horizon the landscape is ashes and grey skies.

A lot has been achieved, and ashes can be sifted.

The sifting begins. Doggedly Millhaven inmates continue their struggle. Those in segregation for organizing activities begin a hunger strike. One Mill' inmate writes:

"As I said in my first letter, I wasn't very happy with our first strike. There wasn't any organization; no one had laid down any of the goals we would be seeking through a union, and at the same time there weren't any demands for immediate implementation of certain changes we desperately need here. Not only that, most of the prisoners didn't even know what it was all about. They had no idea of what a Prisoners' Union is or what its functions are. We had only just started laying the ground work for the Ontario Region here at Millhaven. We had been talking about it for some time but we couldn't get the right people from the street until only recently"

On August 20th, Millhaven inmates again went on strike. A strike vote by secret ballot was taken prior to

the strike at a general inmate meeting in the yard. Chief demand of the strikers was release of inmates who were in segregation due to their organizing.

Two statements were sent to Dowsett, the Mill' Director.

One listed the demands voted by inmates prior to the strike. The other, containing 194 inmate signatures, stated that they had in no way been intimidated or coerced into participating (ref. to a Dowsett allegation issued along with the statement that the inmates in question were "actually" in protective custody because he decided they were in danger from the other inmates who were against the strike—both allegations are B.S.) and called for an apology from the Director for his slander, as well as release of the prisoners in segregation.

Again, on September 21st, a substantial majority of Millhaven inmates staged a one-day fast to protest segregation of eleven inmates for organizing activities. Three other have been transferred and one deported to England.

Since September 21st, up to our press time, ten inmates in segregation have been conducting a hunger strike.

The Ten:

Jackie McNeil	Howard Brown
Billy Solosky	Lenny Olbey
Jimmy Orr	Pete McClellan
Greg Seymour	Eddie McCaffrey
Billy Hulko	Donnie Oag

And the PUC people? Still a very long way to go, a factor they undoubtedly recognize themselves now, and certainly a factor well recognized by inmates across the country. Media coverage only has value when the resources are there to back it up. Community support is still far too flimsy for effective action. Too many inmates were left swinging on the gate this time around.

PUC has undergone some changes in the past few weeks. A down-the-middle split has occurred in the group, resulting in the formation of another group, the United Prisoners Rights Movement. By this reading, the splinter group should have published the first edition of a regular newsletter, *RAP* (Report About Prisons)* Clare Culhane and Keith Baker are a part of the Movement group.

Basically, the split seems to have left PUC pontificating and the Movement moving.

More work
More pain
More work
Maybe gain.

*Not related to the *National Rap* published monthly by the Transition Society about ex-offender and inmate self-help groups.

Books in Brief—*reviews and commentary*

A Time To Die

Tom Wicker, pub. Fitzhenry and Whiteside
Don Mills, \$8.95.

Tom Wicker is an accomplished journalist, who was a member of the Observers Committee of the Attica Uprising. The book is his account of the Attica affair; mandatory reading for any Canadian who doesn't think it could happen here. Comparatively, the Steinhauser assassination was worse, but fortunately the Attica coverup wasn't as thorough, so from the latter we can draw more lessons—unless all we want is a lesson about how to cover-up incidents.

Police Command

Brian Grosman, pub. Macmillan of Canada,
Toronto, \$5.95.

If you're ready to spend six dollars on a 150-page paperback book, this gem is for you. The book tells you all about your friendly neighborhood police department as an institution and all about how the inmates of this institution go about running it. This is a scholarly tome by the current chairman of the Saskatchewan Law Reform Commission. One of the profound *bon mots* in the book is this: "Lack of ingenuity and initiative among younger policemen is partially founded on the fear of superiors and their potential power over career advancement." (p. 49) The book cover says the author "participated in police work, riding in patrol cars and chasing suspects down back alleys."

Look, dear reader, Harlequin romances publish a new book every two weeks, and they cost less than a buck a throw. Get some value for your money, buy your B.S. from Harlequin and get six for one. (By the way, *Police Command* came to us free of charge).

Comrade George

Eric Mann, pub. Harper and Row,
N.Y., \$1.95.

This is a lucid investigation into the Life, Political Thought and Assassination of George Jackson. Unlike *Police Command*, it reads like uncluttered truth; reality comes across once in awhile. The book is an incisive historical document, a necessary commentary to consider when trying to determine when a prisoner ceases to do his time for his common crimes and begins doing it for his contrary politics.

The Law of Corrections and Prisoners' Rights

Cases and Materials.

Sheldon Krantz, pub. West Publishing, St. Paul,
\$20.00

Basically, this is a casebook which should be on the shelf of every lawyer at all involved in prison legal work, despite it being about only American cases.

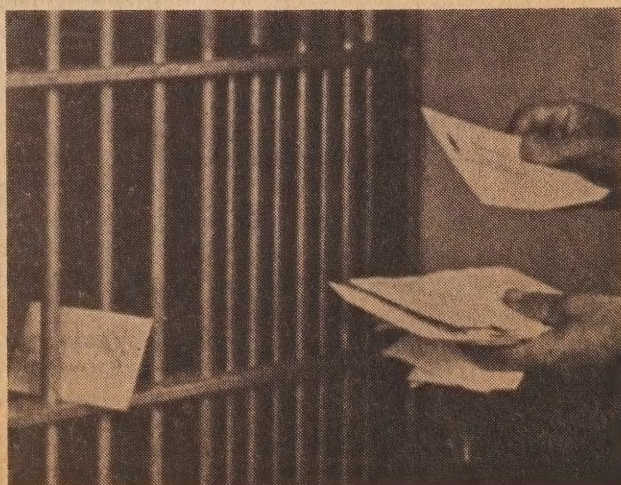
The book went to press in mid-1973, thus numerous important cases of the last two years are omitted, however the book remains the most comprehensive available on the subject.

The book's range covers the entire criminal justice process. A listing of its major divisions speaks for itself:

- 1) The Sentencing Process
- 2) Loss of Rights: The Status of Pretrial Detainees and Convicted Offenders
- 3) Incarceration: The Authority and Responsibility of Correctional Agencies
- 4) Prisoners' Rights and Responsibilities
- 5) Prisoners' Remedies
- 6) Corrections in the Community—In lieu of, as part of, or after Incarceration
- 7) Restoration of Rights of Offenders.

While it is close to exhaustive its value in Canada is limited by legal and political variances of the two countries. It does however present many of the fundamental case arguments which in the hands of a skilled, creative Canadian lawyer could be turned to valuable cause.

Must reading for Canadian inmates too, if only to discover the fantastic scope of what's being denied them.



Censorship may become a key rights issue.

Letters

PRISONERS' VIEW

Of late both the electronic and print media have been, dutifully, informing the public of the need for personnel expansions in both the National Parole Service and the Canadian Penitentiary Service.

As the elected representatives of the prisoners who will be affected by these expansions we feel it is our "duty" to express the prisoner views.

In formulating these expansions the government has not considered, to any fair degree, the human factors essential to the prisoners whom such changes will affect. As we, the prison people, see it, any further expansion of the prison and parole service is merely an economic "savior" and not in any form a worthwhile prisoner reform.

We agree society owes it to its past loyalties to continue the occupations of prison guards and staff. However, we do not accept the expansion of such occupations as being a step toward the lessening of prison populations. What we do see and are experiencing is that such expansions are mere safety valves to prison overpopulation and volatility.

All existing statistics on parole and incarceration result in both methods "in part and in total, are correctionally ineffective" (Waller; U of T Press, *Men Released From Prison*). Mr. Waller is now the director of research for the C.P.S.

There was a mine disaster in Springhill, Nova Scotia. A

whole community of responsible citizens out of work and threatened with having to go on welfare, or uproot life-long homes. As a means to subsidize and correct this act of God, the prisoner became the tool of assistance. A penitentiary was constructed there and the community was saved utter ruin.

I am not saying these people did not deserve economic help. What I am saying is, since the exact same circumstances occurred in Drumheller, Alberta, similar ones in Peace River, Alta., Gold Creek, and others, such conveniences are not coincidence but deliberate exploitation of the have-nots of the crass, excessive society.

There are two sides to every story and each is valid, but should not both sides be considered when decisions are made? As is, they are not. Economic factors are more increasingly over-ruling the human factors of this society.

On behalf of the population members of Saskatchewan Penitentiary I am requesting some means of expressing unabridged, the views we have respectfully and responsibly concluded. We feel our valid points should become as public as the government's need to employ and subsidize the electorate. We, too, are human beings.

Tom Goodall
Prince Albert

reprinted from the Saskatoon Star-Phoenix

A SALUTE

Reprinted from WIN

Editors:

So the bleeding-heart liberals have finally driven my President from Office. I represent the Oklahoma State Penitentiary chapter of *Prisoners in Solid Support of Nixon* and I would like to say that we are deeply saddened by our Chief's demise. We may be convicts but we are also good Americans who believe deeply in the free enterprise system. Convicts all over America have rallied to the support of our Leader since the details of Watergate were made public. We were shocked and outraged when so many of Mr. Nixon's trusted accomplices blew the whistle on him at the first sign of trouble. The ex-President earned the respect and admiration of convicts from all walks of life when he adamantly and steadfastly refused to admit to anything in spite of the overwhelming alleged evidence against him. From his heart-rending "Checkers Speech" to his latest public denial, Mr. Nixon has long served as a conspiring example of what we convicts call "hanging tough." How many of us here at OSP wish our fall partners had been as jam-up as Mr. Nixon?

It is indeed unfortunate that a great American should be maligned simply because he likes to make money. Isn't making money a right that God grants equally to *all* Americans? No less a personage than John D. Rockefeller stated for the public record that "God gave me my money." Can any of you imagine how really embarrassing it would be to have an indigent President?

Mr. Nixon worked hard all his life, his soul burning with one driving ambition: to become a millionaire. And what other avenues are available for a mediocre man in this day and age to become a millionaire *except* to become President of the United States. So hang tough, Mr. Nixon, wherever you are, and know that you are our kind of guy. PISSON salutes you!

Robert H. Wilson
McAlester, Okla.

People are put into prisons because they could not function within the legal boundaries of society; we are not permitted to function like normal, average human beings in prison. Yet, we are expected to be able to function in society once we are released. Which is impossible under the present system.

On coming into prison we start off following the simple formalities that process us from free men to caged convict. The whole process is consciously dehumanizing. The indoctrination process is meant, in a way, to convert a once free human, who moved about as he chose, into a caged beast of sorts, who does only what he is told, when he is told to do it.

To describe what it means to be a prisoner, how it feels to be confined, the frustrations, the long moments of suffering, is impossible for one who has never been confined to grasp the realities of it all. The psychological state of complete passiveness and the dependence on the decisions of guards and administrators must be included among the pains of imprisonment along with restrictions of physical liberty. The frustrations of the prisoner's ability to make choices and the refusal to provide an explanation for the regulations and commands. These things involve a profound threat to the prisoner's self image because they reduce the prisoner to a weak, helpless, dependent child status. The prisoner finds the picture of himself as a self-determining individual destroyed by the system of prisons and their officials.

If we look at prisons as places where efforts are made to rehabilitate social offenders, and we talk in terms of effect, nothing has changed through the years. If we talk in terms of punishment, which is important to a large part of our society, still nothing has changed.

We have here on the surface, a paradox. A lot of changes have been made, yet the end result remains the same. All the educational programs for prisoners and the many social agencies in society for ex-convicts have not solved the problem of what

society is to do with her criminals.

New measures must be taken, new ideas put forth. Some inmates at the Saskatchewan Penitentiary have some ideas. One of which is the establishing of a Consumer Co-operative. The idea behind this is that inmates must prove to prison administrators that they can act in a responsible manner. Our goal is that we might learn to function in prison as useful and constructive members

of this environment, so as to be able to function as useful members of society when released.

We as inmates have many useful and constructive ideas, but we need public support in order to implement these ideas. We ask "you" the public, to "help us to help ourselves."

Wayne Roberts, President
Inmate Committee
Saskatchewan Penitentiary

PRISON ART AWARDS '75

Below are listed the winners of Prison Awards for 1975 in art, writing, and music. Because of space limitations, details of the specific awards are not here.

ART

To Gerry Clement at the Osborne Centre, a \$500.00 scholarship.

\$100.00—Claude Lessard, for painting

\$100.00—Gerard Boulanger, for sculpture

\$100.00—Glen Derkson

\$150.00—Jotia

\$100.00—John Cook

\$100.00—John T. (Mimico)

\$250.00—Michel Pellus

\$150.00—Gerard Boulanger

\$100.00—Sam Sharif

\$100.00—Joseph Abou-Najm

\$100.00—Frank C. McNeil

\$ 50.00—Howard Thompson

\$ 50.00—Shotgun

(Prison for Women)

\$ 50.00—Howard Thompson

\$ 50.00—John Wray

\$ 25.00—Carol-Ann Walters

Hendricks

\$ 25.00—Hutik (Joyceville)

WRITING

To William Neil Bolgar, from Millbrook, a \$500.00 scholarship.

To John Cook at Glendale, a \$500.00 scholarship.

\$100.00—Roger LaPorte

\$100.00—Albert Simpson

\$100.00—Edmund I. Watts

\$ —Eric Gant (amount to be designated).

\$ 50.00—B.J. Beasley

\$ 50.00—Walter Orlovich

\$100.00—Ronald L. Emkeit

\$ 50.00—Elaine Violette Antone

\$500.00—Jade (Collins Bay)

\$ 50.00—Randy Glynn

\$ 25.00—James Franks

\$ 25.00—George Hayes

Honorable Mention and \$10.00 to the following:

William Finlay Hutton

Abe Melo

C. Cassil

Real Moore

Aloysius (Don Jail)

Charles A. Armstrong

MUSIC

\$ 50.00—Christopher Williams

\$ 50.00—Randall Murray Bell

That's the awards for this year.

Along with the annual collection of works from Canadian correctional institutions, Prison Arts 75 will show guest entries from Thailand, Japan, Germany, Barbados, Australia, United States, New Zealand, Greece and Swaziland.

In a recent press release, the Prison Arts Foundation also announced that to complement their established programs in visual art, creative writing, and crafts, they plan to organize an ongoing performing arts program in Canadian prisons, involving professional dramatists and playwrights.

AN OPEN LETTER TO RALPH HILLINGER



Doré, *Scripture reader in a night shelter* (wood engraving)

When I first suggested that I would like to write an answer to "Mr. and Mrs. Society," Editor Arthur Montague told me to keep somewhere around 1,000 words or so. I don't think I could come up with an answer to your article in 20,000 words or less, but I do have a few comments for you and I am going to try to get them down on paper.

You call Christians some pretty strong names. Personally, I feel that your condemnation of all Christians is unfair. They are not all "phoney sanctimonious bastards!" Let's start at least, by attempting to be objective.

Mohandas Karamchand Gandhi, once said something similar about Christians, but he put it in a gentler way. He was talking to a British statesman; the person, who told this to me, said that it was Winston Churchill. Who he was talking to is not important. What he said is: The statesman asked Gandhi what he thought of the Christian religion. Gandhi told him that he thought it was one of the most wonderful religions in the whole world. Then the statesman asked him what he thought of the Christian people. To that Gandhi replied, (so the story goes) "I don't know, I haven't met any."

Keep in mind that Gandhi spent many years in England; he attended university there, studied law and passed his law examinations, so I presume he came in contact with many "self-professed Christians."

The problem with most of the Christians I have come in contact with myself is that although they believe in life after death, as far as following the Christian teachings are concerned, there is no life in them before death.

Christians are prejudiced against North American Indians, Eskimos, Negroes, Asiatics, convicts, ex-convicts and their families. They are even prejudiced against themselves.

(As an example: the Seventh Day Adventists and Jehovah's Witnesses condemn the Roman Catholic church and the Mormon condemns everybody who isn't a Mormon and doesn't believe in the Mormon Bible.) I could go on and on, ad nauseum, but I won't. The tragedy of this attitude is that it engenders hatred and bitterness. "And that's probably the worst part of prejudice, it turns the victims into haters. Line up the two teams . . . whose gonna tell them apart."

I wish I could tell you (as a Christian) that you are wrong about us, but I can't. We are commanded by God to love our neighbor and other human beings, but very few of us do. I wish I could tell you that all Christians are compassionate and concerned about the "kids" in prison, but I can't. The whole concept of Christianity is to become (hopefully) more Christ-like and it is expected that when and if we accept Christianity as a way of life, we will become more like Jesus Christ, but we don't. Some do . . . I have unearthed a few rare specimens but they are few and far between. It's much easier to love other Christians and our own relatives and families; it's not so easy to love the people who need our love, and so we lose the whole point of being a Christian.

A convict or an ex-convict has equal value in God's eyes to any man or woman on the street, but Mr. and Mrs. Society doesn't see it this way, they see him only in the light of fear, nameless, unreasoning unjustified terror. To prove my point, I gave your article to a young mother I met through a religious organization and was successful in securing this statement to you from her. "First of all can you not be gracious enough to understand the real fears Mr. and Mrs. Society have of the criminal. If it had been your precious daughter who had been cut in pieces and hid in the garbage can or your wife who had been raped, or your house that had been robbed of all of the possessions you had worked for years to buy, I ask you, how would you feel?"

I am a Christian and I love God's word, The Holy Bible, but I

am also a poor weak worldling with an inherited tendency to sin. I fall short of the glory of God every day. I wish I didn't, but I do. I care so very much about "the kids" you talk about, but I am afraid . . . Can you not try to walk in my shoes for a while?"

I might add that this young woman came to Canada from Tennessee and has been living here for 5 months. Still speaking with a soft southern accent, she told me, also, that she had cried, as you predicted, very hard after she read your article.

Nevertheless, I don't want you to get the impression that all of the people I talked to were afraid. Another woman responded in an entirely different manner. She was a chubby half-Arab, half North American Indian. This woman and her family live in a large rambling house and take in parolees released from prison. They also take in drug-addicts, alcoholics; women and men just out of mental hospitals and runaway kids. For money? No way. She gives them a place to sleep, clothing and 3 square meals a day. If they can afford to pay board and room, fine. If they can't, they are still welcome to stay.

"How do you manage," I asked her.

"I just trust in God, Jean, that he will provide for our needs, he has never let me down yet."

"But aren't you afraid for your family, you have several small children in your household?"

"Why should I be afraid? Jesus said, 'perfect love casteth out fear.' No, I'm not afraid. If you trust people, they usually won't betray that trust. You've simply got to love them, tell them that you trust them and give them a chance." This woman writes to men and women in prison and she goes to court to plead for her "friends" when they get into trouble. In other words, she feeds the hungry, clothes the naked and visits people in hospitals and prison, not because she's a "do-gooder" or hopes to get to heaven . . . she does it just because she's that kind of person. "Just a little tenderness and somewhere to go when they leave

here is all they (the kids) need," you write, "but who is going to give them these things?" Well, she will, but I can't vouch for anyone else that I know.

"Mr. and Mrs. Society, it becomes YOUR problem when one of these kids leave here and in the future years hurts one of YOUR family. Don't ever think it cannot happen, as it does. You read it every day in the paper where a mother's said, 'Why, I don't even know the boy so why did he harm my husband, daughter, son, etc. etc. Why did he kill one of my family for no reason?'" You're right, Ralph, we do read about incidents like this in the newspapers . . . but is retaliation the answer? Ask the Arabs and Jews in the Middle East. They've been using this strategy ever since the Assyrians carted off the Ten Tribes of Israel in 722 B.C. Has it helped their cause? It's the 20th century and they are still at each other's throats.

Ironically enough, the Jews have a word for this way of thinking. It's called "chutzpah" (nerve or gall). Chutzpah is a young fellow who kills his parents and then goes to court to plead for mercy because he's an orphan. I could give you other examples but one is enough. Hurting or killing the people you are asking to love you isn't the way to get their undying affection (if you'll excuse the pun). The only thing you'll get in return is "nameless, unreasoning, unjustified terror," and instead of opening doors for you or the "kids" in prison, the doors will be shut and bolted against you, so will their hearts, and that's the sad thing about retaliation; like prejudice, it turns the victims into the haters.

You say that it is about time that Mr. and Mrs. Society smartened up and you quote the golden rule, 'Do unto others as you would have them do unto you.' And that's what it's all about. But keep this in mind. In order for the golden rule to be effective, it must work both ways! . . . Enough said.

— Jean Okkerse

A prison chaplain sometimes feels his is a "voice in the wilderness". He lacks support for his efforts, neither the institution supporting him "within" nor his church from without. Even some of the inmates look on him in a negative way, calling him a "bleeding heart" or a "necessary evil." There are, of course, other inmates, to whom he is a "nice guy" and even some who look on him as their only hope of salvation.

As far as his church is concerned, the chaplain is seen as a minister of faith who is expected to observe and carry out the teachings, norms and ceremonies of a particular denomination.

But his church looks on his ministry as apart from his church in the community. Nor are churchgoers, regardless of sect or religion, interested in becoming involved in his ministry "within the walls."

But it is time they got up off their knees and out of their comfortable pews and saw the church in the institution as being a part of the church in the community.

This can be done in many ways, looking both inwardly and outwardly.

Persons in the community church can become involved in programs within the institution, assisting in operating leadership training courses such as effective public speaking, leadership in action and others.

They might become involved with the National Parole Service and Post Release programs by becoming involved in programs such as voluntary parole supervision and assistance to those on parole or recent releases from penitentiaries in finding jobs, giving them advice, etc.

An example of leadership training is the Jaycees programs initiated in some institutions which provide the inmate with valuable experience which can be utilized when the inmate leaves the institution. Such a program might include making it possible for wives of inmates in Jaycee units in the penitentiaries to become affiliated with the local Jaycette unit or other voluntary organizations.

PRISON



The M-2 program or Man to Man visiting program in which volunteers are sought to visit and write inmates on a regular basis is invaluable in giving an inmate a belief in his own worth.

Other programs of value are those which encourage inmates to speak to public groups, youth groups and others such as the Accent on Youth program operated

by the Springhill Jaycees or Youth Speak program by the Dorchester Jaycees. This can be done by arranging speaking engagements for them, helping with transportation to and from such engagements, assistance with accommodation and assistance with press releases covering such engagements.

Invite someone to speak to your group about corrections and find out a little more about the corrections process as a whole. Get involved with the legal process in terms of how sentences are metered out. Initiate an employment program or possible training program for ex-inmates on release from penitentiaries. Assist inmates in writing and typing resumes and cover letters to aid inmates in securing employment.

Once an inmate is accepted for the program and a resume prepared, copies should be sent to persons in the area in which the inmate seeks employment and an effort made to secure employment for the soon-to-be released inmate.

Responsibility does not end there. Once the inmate has secured employment his sponsors should work with him to assist him over the rough period of readjustment.

This is working within the institution.

But what of working outside the institution. Think of the benefit to the inmate—yes—and to the congregation—should an inmate be invited to address the congregation, to acquaint them with life inside the walls and to acquaint them with the inmate as a person—another human being!

From this might grow a man-to-man or inmate-to-family relationship which could only benefit both.

This would relieve the chaplain of some of his traditional duties counselling, of providing a connecting link with the inmate's family, his friends, his home town church and even his business connections. Such links could only help in the rehabilitation of the offender and would benefit his sponsors if only to give them a feeling of well being

through helping their fellow man.

What of the chaplain? How does he view his role in the institution?

The role of the chaplain has historically included both that of religious functionary and that of a generalized social worker, all within the framework of institutional needs and expectations where emphasis was upon custody and security rather than on the well-being in the inmates. Where the function of the institution has been clearly to punish criminal offenders for the crimes they committed and the minister is there to care for the needs of members of his denomination who just happen to be incarcerated, there's a basic conflict of interest.

The chaplain sometimes feels his work is an exercise in futility and a frustrating job with few rewards.

He faces not only apathy on the part of the inmate but the indifference and even ridicule from many of the prison staff who are against religion and undercut the chaplain and his role.

For the new breed of minister this is hard to accept. The social change taking place in all segments of society affects the correctional chaplain who finds he cannot accept social injustice which has tended to characterize most prisons and gaols to the extent they have been called the "most unjust of our institutions."

In a recent work Peter Berger argues that the proper concern of Christianity goes beyond involvement with individual problems and must also include a vital attempt to change the social structures that cause human problems. Thus a correctional chaplain attempting to act in terms of this may be somewhat less than popular with his warden and perhaps, with some of his own denominational officials. At any rate to the extent that the church is experiencing a crisis in meaning and purpose so will its chaplaincy experience the same crisis.

"Another crisis is the secularization and urbanization processes through which modern urban man is becoming liberated from the power of traditional moral ideologies based on traditional theologies and sup-

Marg Jaspar

PARISHES



ported by supernaturalistic sanctions," according to Cox, a Baptist theologian.

Sydney Shoom, director of social work with the department of correctional services, Toronto, says that only recently has there been much evidence of a sustained and systematic effort on the part of Canadian governments, federal and provincial, to actually place

rehabilitation into practice. "The shift in orientation from doing penance in a penitentiary to being rehabilitated or resocialized in a correctional institution, or more recently in a free community, has come about in spite of institutional inertia, vested interest in the on-going system, and sometimes great public opposition."

It is this—public opposition—of concern to us in this paper. One who believes in a Supreme Being and the equality of man, and practices his beliefs by attendance at his own place of worship, must be willing to grant the same privileges to inmates. And this comes about through involvement, within or without the walls of the institution.

Prince Albert is a good example of involvement within the walls. Both chaplains, Roman Catholic and Protestant, have involved a number of citizens in their services and joined in Ecumenical Services on numerous occasions. But to our knowledge there has been little involvement on the part of inmates going out to services.

At Drumheller a number of youth groups are actively engaged in taking part in various services within the institution and there have been occasions when inmates have been invited to participate in community services.

With the growing shift to community-based corrections, there should be more and more outside involvement.

An ironic situation is developing at some federal institutions where meditation has been introduced. It is a way of acceptance, rather than a stimulus to change, it develops self-awareness and relieves tension and anxiety.

It may, as its proponents claim, counter the negativity of the prison environment. The irony is in the acceptance of the prison environment, and its spread will doubtless make prison reform a more difficult task inasmuch as it diminishes collective concern.

Thus we get back to the prison chaplain and his role in the institution and YOUR role as a concerned citizen. Where do you stand?

The Legal Attitudes Questionnaire (L.A.Q.):

A Test of Attitudes on Law and Order

This test comes to us from the Centre for Responsive Psychology of Brooklyn College in New York, and is reprinted from their March, 1975 newsletter on *Social Action and the Law*.

We invite the Prosecutors, Judges, and prisoners in our readership to try and take the test which gives three scores: Authoritarian, Equalitarian, and Anti-Authoritarian.

The psychologists in our audience will see this test as a variant on the Authoritarian Personality scales. The rest of you can take the test and mail the questionnaire to us. We will score it and mail you back an analysis. Full scoring keys are available upon request.

LEGAL ATTITUDES QUESTIONNAIRE (FORM II)

On the following pages are ten groups of statements, each expressing a commonly held opinion about law enforcement, legal procedures and other things connected with the judicial system. There are three statements in each group.

Put a plus (+) on the line next to the statement in a group that you agree with most, and a minus (-) next to the statement you agree with least.

An example of a set of statements might be:

- ___+___ A. The failure of a defendant to testify in his own behalf should not be taken as an indication of guilt.
- _____ B. The majority of persons arrested are innocent of any crime.
- ___-___ C. Giving an obviously guilty criminal a long drawn-out trial is a waste of the taxpayer's money.

In this example, the person answering has agreed most with statement A and least with statement C.

Work carefully, choosing the item you agree with most and the one you agree with least in each set of statements. There is no time limit on this questionnaire, but do not spend too much time on any set of statements. Some sets are more difficult than others, but please do not omit any set of statements.

SET I

- _____ A. Unfair treatment of underprivileged groups and classes is the chief cause of crime.
- _____ B. Too many obviously guilty persons escape punishment because of legal technicalities.
- _____ C. The Supreme Court is, by and large, an effective guardian of the Constitution.

SET II

- _____ A. Evidence illegally obtained should be admissible in court if such evidence is the only way of obtaining a conviction.
- _____ B. Most prosecuting attorneys have a strong sadistic streak.
- _____ C. Search warrants should clearly specify the person or things to be seized.

SET III

- _____ A. No one should be convicted of a crime on the basis of circumstantial evidence, no matter how strong such evidence is.
- _____ B. There is no need in a criminal case for the accused to

prove his innocence beyond a reasonable doubt.

- _____ C. Any person who resists arrest commits a crime.

SET IV

- _____ A. When determining a person's guilt or innocence, the existence of a prior arrest record should not be considered.
- _____ B. Wiretapping by anyone and for any reason should be completely illegal.
- _____ C. A lot of recent Supreme Court decisions sound suspiciously Communistic.

SET V

- _____ A. Treachery and deceit are common tools of prosecutors.
- _____ B. Defendants in a criminal case should be required to take the witness stand.
- _____ C. All too often, minority group members do not get fair trials.

SET VI

- _____ A. Because of the oppression and persecution minority group members suffer, they deserve leniency and special treatment in the courts.
- _____ B. Citizens need to be protected against excessive police power as well as against criminals.
- _____ C. Persons who testify in court against underworld characters should be allowed to do so anonymously to protect themselves from retaliation.

SET VII

- _____ A. It is better for society that several guilty men be freed than one innocent one wrongfully imprisoned.
- _____ B. Accused persons should be required to take lie-detector tests.
- _____ C. When there is a "hung" jury in a criminal case, the defendant should always be freed and the indictment dismissed.

SET VIII

- _____ A. A society with true freedom and equality for all would have very little crime.
- _____ B. It is moral and ethical for a lawyer to represent a defendant in a criminal case even when he believes his client guilty.
- _____ C. Police should be allowed to arrest and question suspicious looking persons to determine whether they have been up to something illegal.

SET IX

- _____ A. The law coddles criminals to the detriment of society.
- _____ B. A lot of judges have connections with the underworld.
- _____ C. The freedom of society is endangered as much by overzealous law enforcement as by the acts of individual criminals.

SET X

- _____ A. There is just about no such thing as an honest cop.
- _____ B. In the long run, liberty is more important than order.
- _____ C. Upstanding citizens have nothing to fear from the police.

THIS AND THAT ABOUT THE BUREAUCRAT



What better comment have we for this Conference than the general skepticism expressed by Brian Wagget, an inmate of the British Columbia Penitentiary who, writing on bureaucracy, has this to say:

"In the last six years I have been in prison, I have tried to figure out why meaningful changes do not take place in prison or society.

Whether the prison bureaucracy is involved or the civilian, both seem to have one thing in common; they choose to resist meaningful change.

Although there are many variations in the bureaucracy game the following is basically what happens when the bureaucrats receive a problem to solve.

"When there is a problem that initiative can solve, bureaucrats refer it to committees. Committees make sub-committees. Sub-committees refer it to consultants. Consultants refer it to their report researchers. The original committee assembles all the reports. The decision is reserved, until the holidays are over. When the holidays are over they bicker about irrelevant side issues. After much deliberation they decide to forward the final report to the ministerial department involved. Then the assistant minister receives the reports from his aides. The report is then forwarded by assistant minister to the head ministerial aide. The minister then receives the report and its recommendations, after much reflection the minister decides to bury it or refer it to a royal commission. By the time all this has taken place the bureaucrats have created many new problems. The new problems are then referred to new committees. Of course, the original problem or problems are never solved."

What a person cannot understand they tend to ignore and hope it will go away. A bureaucracy will not go away, it will only expand. One tool of bureaucracy is hate. If bureaucrats can get a person to hate them enough, that person will not care what happens. Of course, not caring what happens is exactly what the bureaucrats want.

Hatred, apathy, and public ignorance are a bureaucrat's best friends.

CORRECTING CORRECTORS



CORRECTIONAL INVESTIGATOR



Inger Hansen

Inger Hansen, now well-known as Canada's Correctional Investigator, is slated to speak on the final day of the national corrections meeting in Calgary, when she will describe the role of the correctional investigator in relation to prisoners' rights.

Although Ms. Hansen has been responsible for placing the issue of solitary confinement before Canada's House of Commons, with the result a Special Commission is now studying the question of its use, her position has come into considerable criticism from individuals and organizations outside the Solicitor General's Ministry, because of its seeming failure to address general rights issues.

Ms. Hansen is the first Correctional Investigator, a position devised as an "independent last resort for the resolution of inmate complaints concerning administrative action".

A former prosecutor in Vancouver, Ms. Hansen can be anticipated to provide fruitful rebuttal in the give and take of any question period.

HOW TO BE A JAILHOUSE LAWYER

reprinted from WIN

BY Nick DiSpoldo



Cartoon from LANS

The 60's were regarded as the decade of dissent, a prolonged period of protests, demonstrations, boycotts, and marches marked by mayhem and murder in Mississippi. It is interesting to note that the decade's first storm of protest resulted from the execution of Caryl Chessman in the gas chamber at San Quentin Prison on May 2, 1960.

Chessman, the world's most celebrated jailhouse lawyer, kept himself alive for twelve years on death row through his own researched and written appeals. Two of the three books he wrote on the row (*Trial by Ordeal* and *The Face of Justice*) detail his judicial fight for his life and the problems of the prisoner-petitioner. On the day of his death, thousands of people picketed the prison, the governor received a barrage of calls and telegrams urging him to spare Chessman's life, and US embassies in Europe were stoned.

Today, 14 years after his death, jailhouse lawyers refer to him in the same manner Billy Graham refers to Christ.

I have been confined in four penal systems (Pennsylvania, Arizona, California, Louisiana) and I've known a good many jailhouse lawyers. But the term "jailhouse lawyer" is applied to any prisoner who can explain *habeas corpus* or knows how to draw up an Affidavit in Forma Pauperis.

Every prison in America has an aggregation of jailhouse lawyers or "writ writers." Prisoners have become very judicially oriented during the last ten years. It is necessary to understand the legal resources of prisoners and their judicial status in order to fully appreciate the potential effectiveness of jailhouse lawyers, circa 1975.

For many years Dante's phrase, "All ye who enter, abandon hope," would have been a painfully appropriate inscription to place above the front gates of America's prisons. If convicts were without financial or social resources they soon resigned themselves to months of misery and years of anguish and deprivation. Voices raised in protest were pitiful-

ly impotent and usually resulted in corporal punishment or loss of the few privileges permitted prisoners.

Appealing to the state courts was futile. These courts were reluctant to interfere with the internal affairs of the prison community and this allowed prisoncrats to inflict upon prisoners a variety of abuses. The state prisoner could not seek federal relief for prison abuses because judicial procedure required him to first exhaust all state remedies. Which meant he had to go through all the state courts.

Naturally, prisoners were easily discouraged from filing and maintaining suits in court. The reluctance of the state courts was only one of the obstacles the inmate petitioner had to contend with. Prison officials often confiscated legal materials and segregated jailhouse lawyers from the rest of the prison population. In fact, many prisoners had rules declaring that disciplinary action would be taken against those inmates giving legal assistance to others.

Then in 1964 the United States Supreme Court confirmed in *Cooper v. Pate* that a state prisoner could sue state prison officials in federal court without first exhausting any state remedies. This bias of state judges was eliminated and jailhouse lawyers received the news much like the Democrats when they first heard about Watergate.

The legal basis for the Court's ruling is *The United States Code*, Title 42, Section 1983. It has become known as a "1983 writ" among jailhouse lawyers and it may be used by prisoners to seek restraining orders, declaratory judgments, or monetary awards for physical or mental damages. Section 1983 cannot be used by prisoners to contest the conviction for which he is confined. He can only employ it to challenge prison abuses.

With this landmark decision, constitutional guarantees such as "equal protection" and "due process" became a reality for America prisoners. Prison inmates immediately responded by jamming

the courts with petitions articulating nearly every grievance imaginable. One prisoner, in California Men's Colony at San Luis Obispo, complained about having been served strawberry shortcake three times in one week. He argued that he had been sent to prison to be punished and he did not feel that the frequency of such "luxurious desserts" was conducive to punishment. Not many petitions, of course, are this frivolous (or psychotic) but many prisoners have filed meaningless petitions and have thereby alienated many an otherwise sympathetic judge. Numerous judges have been outright hostile to jailhouse lawyers. One federal judge has said:

The individual referred to as jailhouse lawyer is seldom a true friend of the court. He is infrequently motivated by a sense of morality or justice. Rather, he is all too often motivated by ego-oriented considerations. He has all the time in the world to study court decisions and he has stature in the prison community. One such individual submits to my court more petitions, affidavits, and motions than the combined love letters exchanged between Robert and Elizabeth Browning.

A skeletal outline of the essential legal avenues open to prisoners appears here. And they are avenues largely opened by prisoners who initially prepared the first petitions in their cases. At first glance it may appear that the federal courts are very receptive to prisoner complaints. Unfortunately, perusal of the decisions reveal that many were handed down in the federal districts of NY State. The Attica Prison riot publicized deplorable conditions and it is usually this kind of tragedy that has to occur before the courts feel compelled to intervene.

Another cause for alarm to reformists is the fact that the current United States Supreme Court, under Chief Justice Warren Burger, is determined to upset many of the lower federal courts' pro-prisoner rulings. In late June 1974, the Court rendered two decisions impairing the rights of all prisoners. The Court ruled that prisoners had no right to

an attorney at institutional discipline hearings and no right to cross-examine witnesses against them. The Court also ruled that representatives of the news media had no right to conduct personal interviews with prisoners.

Sam Irving Hoffman is the most accomplished self-taught jailhouse lawyer I know. With a good many Watergate attorneys now languishing in jails, there is an abundance of professional attorneys behind bars. But Sam entered prison ten years ago with no more than a ninth grade education and his knowledge of law has been painfully acquired. Prison officials have gone to the extreme of arranging shock treatments and medications such as thorazine and prolixin in an effort to curb and sap his stamina.

I met Sam in California's Soledad Prison in 1967. The same prison in which George Jackson emerged into national fame as the prototype of prison revolutionaries.

Sam's cell adjoined mine and we often spent long hours discussing his battles with officials, the courts, and the various cases he was working on. A good many inmates came to Sam for help, but he was more interested in class action suits that would benefit thousands of prisoners simultaneously rather than a single individual.

Sam's fame throughout the California prison system was launched when he defended an inmate accused of escape from prison. The inmate had been issued a 72-hour pass from the prison and California law provided that failure to return from such a pass within the prescribed time constituted escape and was punishable by a term of six months to five years in prison. The inmate was picked up two months after his pass, returned to prison, charged. He pleaded not guilty. The court granted his request that Sam be permitted to defend him.

Sam subpoenaed me to court as a character witness and I had an opportunity to observe him in the courtroom. The state's first witness was the prison guard who worked on the front gate the day the inmate



DOUGLAS SCHMEISER TO

ADDRESS CALGARY CONFERENCE



Eminent Canadian civil libertarian and Dean of Law at the University of Saskatchewan in Saskatoon, Douglas Schmeiser will be speaking to Calgary's October gathering of concerned correctors.

Native offenders in the criminal justice system, with specific reference to legal and racial problems, will be the focus of attention during the third day of the five-day Conference.

Last year Schmeiser worked in the preparation of *The Native Offender and the Law* for the Law Reform Commission of Canada. The findings contained in this paper noted a number of significant and specifically native problems in Canada's present criminal justice system.

A short time ago Schmeiser addressed a joint federal-provincial conference which dealt with native problems and the law, the first such conference to invite representations from national and provincial native organizations.

went out on his pass. Sam's whole case was built on his contention that the state relinquished custody when they sent a man out of prison without supervision. Sam attacked the witness and sought to show the absurdity of the state's case.

"Mr. Belasco," Sam began, "you are a guard at the Soledad State Prison, is that correct?"

"Yes, I am. That's right. Been there some twelve years."

"Were you on duty at the front gate when the defendant was passed through?"

"I was, yes."

"Well, let's see, now. He was wearing slacks and a sport's shirt. And carrying a sport jacket. You know, just reg'lar casual street clothes."

"And do you know, sir, where the defendant got those clothes?"

"From the prison tailor shop. All inmates get clothes when they go home or go out on pass."

"I see. Now then, how did the defendant leave the grounds?"

"In a taxicab."

"Would you repeat that, please?"

"A taxicab. He left in a Yellow Cab."

"And is there a regular taxi stand at the prison?"

"No. You haveta call one to come out from Salinas."

"Who actually called the cab to come out to the prison?"

"I did."

"You called the taxi?"

"Yes, I did."

"Now, so the jury and myself understand correctly, Mr. Belasco, the prison provided clothes for the defendant, he then walked out the front gate with your permission and got into a taxicab that you called for him. and this was done in your official capacity as prison guard, is that correct?"

"That's just the way it happened, alright."

"Mr. Belasco, how on earth do you have the audacity to come into this courtroom and accuse the defendant of escape when the prison provided clothes for him and you yourself called a cab for him? Seems

to me you're guilty of aiding and abetting a felony."

The jury tittered and the D.A. jumped to his feet objecting to Sam's sarcasm and his "harassing" of the witness. He asked the court to admonish Sam for his "attempt at theatrics" and the judge lightly reprimanded Sam. Sam beamed at the jury.

The next day, after the jury returned a verdict of "not guilty," I walked the yard with Sam and I was aware of his quiet sense of self-satisfaction. He was never very gregarious and, being from Nebraska, he had the aloofness midwesterners are supposed to have. All day, in the yard, mess hall, and cellblocks, he modestly acknowledged the adulation of the cons:

Nice goin', counselor!

Man, you ready for the bar!

Screw Fallon! We got the great mouthpiece right here!

Hey, Sam, whattya charge me to beat this little ol' dope beef I got?

Sam enjoys the challenge of the seemingly impossible. He began a suit, for example, to permit ex-cons to sit on juries when the defendant happens to be an ex-con. It is Sam's belief that the Constitution provides for a defendant to be tried by "a jury of his peers." As juries are composed of individuals with no previous criminal record and are invariable drawn from middle- and upper-class America, Sam contends that such people are hardly the peers of a poor man with a criminal record. Sam points out that "peer" is defined in the dictionary as one belonging to the same rank and ability.

Another of his suits would strike down the law requiring people who cause an accident to leave their name and address at the scene.

Sam believes this law, in effect in most states, violates the Fifth Amendment right to protect oneself against self-incrimination. Forcing a man to leave his name at the scene of an accident is certainly, says Sam, self-incrimination.

The last time I saw Sam, he had still a third suit in the works.

"Nick, if I win *this* case my name

will dwarf Miranda's."

"What are you doing, Sam, taking Sirhan's case?"

"You have to be kidding, friend. There isn't a judge in the country with balls enough to writ *him* out. No, I'm seeking a judgement to make it illegal for any judge to impose a sentence of more than two years on anyone convicted of a non-violent crime and who is a first-offender. How does *that* grab you?"

"Figure you have action, Sam?"

"Oh, hell, I expect US District Court to throw it out. And the US Court of Appeals will chuck it too. But I think the US Supreme Court may be forced to uphold it. If Warren and his justices were still there, I wouldn't have any doubt. But this Burger guy Nixon appointed, he's trying to push everything to the right of the middle. Hell, they already modified Miranda so much they might as well just go ahead and reverse the whole thing."

"What's your argument, Sam?"

"That most sentences are cruel and unusual punishment because they are far in excess of what the nature of most crimes warrant. The Eighth Amendment, you know, forbids cruel and unusual punishment. It all boils down to my ability to convince the court that giving a nineteen-year-old kid fifteen years for a house burglary is cruel punishment."

Sam Hoffman is not an especially introspective person, but I think he's sensitive enough to appreciate the subjective significance of his studies. For the first time in his life he is involved in a project of — for Sam — utopian proportions. The law is his sanctuary, his refuge, his very reason for being. He has discovered something of enduring substance and self-sustaining strength. The recognition he receives convinces him he is functioning at his highest possible pitch of performance. He needs the law no less than Thoreau needed the woods or Picasso his paints.

The spirit of Caryl Chessman endures and prevails.

The following is a listing of the important pro-prisoner decisions won in the federal courts since 1964.

1. Unrestricted access to the courts including the right to help from jailhouse lawyers. (*Johnson v. Avery*, 399 US 483, 9).
2. The right to prepare and file legal papers without official interference. There will be no censoring, confiscating, or delaying of a prisoner's legal papers. (*Dewitt v. Pail*, 3 F. 2d 682, 9th Cir., 1966), (*Sigafus v. Brown*, 416 F. 2d 105, 107 7th Cir. 1969).
3. There will be no attempt to punish a prisoner or to retaliate against him for legal action against prison officials. (*Lanahan v. Royster*, 333 F. Supp. 621, 656 Va. 71), (*Valvano v. McGrath*, 325 F. Supp. 408, EDNY 1971).
4. The right to possess political literature of any kind. (*Fortune Society v. McGinnis*, 319 F. Supp., 901, SDNY 1970).
5. Free expression of political beliefs. (*Sobell v. Reed*, 327, F. Supp. 1924 SDNY 1971).
6. The right to correspond with representatives of the press and news media and have personal interviews. (*Nolan v. Fitzpatrick*, 451, F. 2d 545 1st Cir. 1971).
7. No censorship of outgoing mail. (*Carothers v. Follette*, 314 F. Supp. 1014 SDNY 1970).
8. Freedom of religious activity. (*Miller v. Blackwell*, 411 F. 2d, 23 5th Cir. 1969).
9. No racial discrimination or segregation. (*Jackson v. Godwin*, 400 F. 2d 529 5th Cir. 1968).
10. Notice of charges and right to a fair hearing before disciplinary punishment or administrative segregation. (*Bundy v. Cannon*, 328 F. Supp. 165 Md. 1971).
11. No punishment disproportionate to the offense. (*Wright v. McMann*, 460 F. 2d 126 2d Cir. 1972).
12. No physical brutality by prison staff. (*Jackson v. Bishop*, 404 F. 2d 571 8th Cir. 1968).
13. Decent conditions in solitary confinement. (*Jordan v. Fitzharris*, 257 F. Supp. 674 ND CAL 1966).
14. The right to competent medical care. (*Tolbert v. Eyman*, 434 F. Supp. 2d 626 9th Cir. 1970).
15. Rights of prisoners in city and county jails to decent living conditions, no censorship of correspondence, limits on solitary confinement. (*Davis v. Lindsay*, 321 F. Supp. 1134 SDNY 1970), (*Brenneman v. Madigan*, 343 F. Supp. 128 ND CAL 1972).

IN REPLY

Nick DiSpaldo is right that jailhouse lawyers are a vital link between prisoners and the outside world, although I think he is too optimistic about how much change even a favorable court decision can bring. (WIN, 7/10/75). Unfortunately, jailhouse lawyers' lack of legal training and research facilities often leads them to make strategic mistakes and ignore important negative precedents. (This is not to suggest that lawyers are much better—most know next to nothing about prison law and could care less.)

Nick's list of "important pro-prisoner decisions" should be taken together with these The Supreme Court last year expanded: *Johnson v. Avery* to allow law students and legal workers, as well as jailhouse lawyers, to help prisoners gain access to the courts. But in the same decision, *Procunier v. Martinez*, 416 US 396 (1974), the Court authorized the interception and reading of all incoming and outgoing mail—supposedly to check for escape plans or "contraband" and not for censorship. In a second case, the Court said that properly-marked attorney-client mail could also be opened—but not read—so long as the opening took place in the presence of the inmate to whom the letter was addressed. This case, *Wolff v. McDonnell*, 418 US 539 (1974), was the same one in which the court guaranteed limited due process rights to prisoners faced with disciplinary proceedings. Two other Supreme Court cases that prisoners should know about are *Cruz v. Beto*, 405 US 319 (1972), a good case concerning religious freedom, and the ominous *Lee v. Washington*, 390 US 333 (1967), which said that even so fundamental a right as freedom from racial segregation could be abridged in the interest of "prison security and discipline."

An excellent bibliography on prisoner's rights through 1973 is available for \$2.00 from the Prison Law Reporter. Exercise of prisoners' right to an adequate law library, protected by *Younger v. Gilmore*, 404 US 15 (1971), might help improve the quality and success rate of prison legal work. But even the most effective lawsuit will do next to nothing to end the cruel injustice of our prison system. Whip Incarceration Now!

Before anyone's hopes are raised too high by the theories of Sam Hoffman, remember that the so-called Constitutional right to a jury of one's peers, as many movement activists have learned, is nothing but a persistent myth. The courts have consistently declared that a legal jury is one picked from a "fair cross-section of the community." The jury itself does not even have to be a "fair cross-section," just the master list from which it is ultimately picked. And, Sam's brainstorm leaving-the-scene-of-an-accident case was lost in the Supreme Court four years ago, *California v. Byers*, 402 US 424 (1971).

PETER GOLDBERGER
Philadelphia, Pa.



COMBATING RACISM IN

PRISONS

TOPIC FOR CONFERENCE



Walter Echo-Hawk, class action attorney with the Native American Rights Fund will be among the third day speakers on natives and the law at Calgary.

Echo-Hawk has worked actively for over three years in prison reform litigation as a researcher and lawyer. His address is expected to outline the nature of institutional racism which by cultural extension to society at large is a microcosmic indicator of a possible primary cause of native criminal behaviour.

Echo-Hawk can be expected to skim the obvious — that discrimination is practised against natives—to explore in detail the nature of discrimination. Emphatic will be that problems experienced in the United States are no less valid in their application to Canada, particularly since discrimination has become bureaucratized.

Echo-Hawk has been very active in the National Indian Youth Council and for a time in late 1972 was its Consultant to the United States Civil Rights Commission.

With all the gloomy news floating about, from Otto Lang's last hurrah as Justice Minister to reprisals against inmate organizers, we thought a little good news should be printed.

And the good news! Well, Joe Wydryck became so much a political thorn in the side of the Solicitor General and his cronies that Joe finally was granted a deportation parole to Merrie Olde England. Good to see that the Solicitor General's over-riding policy of "outa sight, outa mind" still holds true. Perhaps this also explains why Transition is being subjected to helter-skelter banning in some federal penitentiaries these days.

All Over:

Having watched the production cost of Transition go from \$150 to \$1000 an issue in three years, we can appreciate the problems caused by inflation.

Fortunately we're in a position to scabble up the additional money it takes to get along because the magazine is not in any way dependent on government money.

Not so the inmates! Despite repeated requests, pleas, what have you, they are still seriously caught in the bind of higher prices and low pay. The most an inmate can save from his pay is \$78 a year. It isn't a big deal while he's locked up, but so little creates a helluva lot of pressure during the first days of his release. It creates a helluva lot of recidivism too. Only goes to show, Mr. Allmand, you reap what you sow.

Hacksaw



C.P.S. administrators tripping over themselves telling the world that inmates are not together in their interest in organizing themselves are lying through their teeth — at least the Farris Commission will hide the truth by saying nothing — the C.P.S. people like Dowsett in Millhaven are distorting, fabricating, and you name it (including throwing inmates into the hole without charges except "disturbing the good order of the institution", that good old catch-all that turns Directors into Demigods and inmates into activists). As they should, inmates are pursuing localized issues generally, and are reluctant to join nation-wide involvements. This is the essence of an effective institutional effort and we can expect more of it.

The one-day fast in August was an exception to this, but one that should have taught the C.P.S. a lesson—the cons can do it if they want to. The C.P.S. says otherwise but *we know* a solid majority of cons, federal and provincial, backed that fast—and of those that didn't quite a few were unaware it was coming down. CRC backing was negligible because inmates feared being sent back to the joint if they participated.

New Westminster:

When is the C.P.S. going to crack-down on guards who traffic in heroin?

Dorchester:

Got a letter the other day from Joe Bender; he wanted the world to know he's alive and well . . . so, world, be informed!

What are we supposed
to do with the
Old Line Bull

Written specially for the Correcting the Correctors Correctors conferring like all the uncorrected correctors do when they can't get terrorists in Toronto or the plane fare to Geneva.

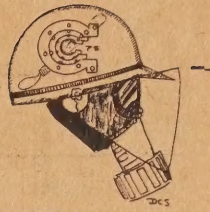
BY

Slow George, who happens to think that any terrorist who comes along to say, "Hi there Establishment, I'm a terrorist", is tarpaper anyway.



"Slow George," said the *Transition* guys, "Write us a little something about how the veteran guards who control the guards' union and do most of the beatings in the prisons can be removed from their positions so that the liberal corrections people can get some good correctional programs happening."

Ah so, says I, where do the *Transition* guys get off with that crap? Now, some of the *Transition* guys are in their forties so they should know better than to knock older people. I don't knock older people, except for the odd jerk—but usually these were jerks when they were young too, so it don't matter.



WILLIAM OUTERBRIDGE:
BEYOND RHETORIC



About the only term we haven't heard in corrections rhetoric in the past few years has been "participatory corrections", and it is to the credit of Bill Outerbridge and a handful of other Canadians like him that the term hasn't been conjured into criminology literature, despite the fact it epitomizes the interaction of community and offender, offender and correctional process that is inherent to effective community corrections.

Bill Outerbridge will be the lead-off speaker at Calgary's five-day corrections conference. Since mid 1974 Chairman of the National Parole Board, he was in 1972 Chairman of a Solicitor General-appointed Task Force on community-based residential centres.

Over the years Outerbridge has been involved in many phases of the corrections process ranging the gamut from probation and juvenile courtwork to CRC's and parole.

Aptly, his topic in Calgary will be Trends in Canadian Community Corrections.

What gets my back up is that what the young bulls are saying about the old bulls ain't much different from what the young cons are saying about the old cons. You might wonder howcum I can conclude such a conclusion. Very simple, I am very smart. I am also very old, very wise, very perceptive, very profound, very sensitive, and very AA ALL THE WAY; so I guess you know I know I know where it's at!

Not only do I have all those superb qualities, I'm also an old con, so I hear things better than most young dudes. My mind ain't fogged up by the Demon Weed (not much in the joint right now) and my brews are too pure to putrefy my clarity (a lot of you probably'll be surprised I can keep my clarity up, or get it up). A lotta you probably figure I'm just a flushed-faced wrinkled-up old range shuffler—it ain't cuz I'm old that the bulls bring my tray to my cell and it ain't cuz they're tired of getting cold-cocked by a tray of spaghetti from the third tier (cuz they're not tired), it's cuz they know that me, Slow George, yours truly, in the flesh, can get them young bull strutters mincing and the young bull mincers strutting faster'n anybody else in the joint. Notice the old bulls never bring my tray—I got too much respect for them and their evil ways and they got too much respect for me and my broom handle.

But that ain't the point. Here is the wisest wisdom of all: the young cons say us old cons are incorrugatable—that means we're too straight and can't be bent up. They say let's have a hunger strike and we say be cool and wait till the day after canteen. They got no finesse and they're the ones says we haven't.

They say let's have a work strike, we'll all stay in our cells. We say, blessed fine idea, but let's do it in the shops so we can wreck all the machinery and make the strike last six months. Oh no, such methods of protest are old-fashioned they say . . . we must be nonviolent they say . . . we must demonstrate peaceful solidarity to show our strength and good intentions, they say. Well, we say, since you won't win shit

anyway, you should at least smash up some stuff and get some fun out of it.

Let's get wages for our work they say because we're being used, abused, misused, and . . . dammit, us old guys are just plain getting CONFused. We say forget it cuz if you get money saved up, you might get out with more than moths in your wallet and let your membership lapse in the *Society for the Prevention of Correction Association* (Send \$50.00 or 2 caps to A.T. at 340 Laurier Ave., for your annual membership. Or to me, I'll forward it.) by not mugging the first passerby. Anyway, we say, if they start paying we're gonna hafta start working and after spending twenty years trying to learn the profession of being a good con, it's a bit late to learn a new trade. Course they don't think of that, selfish buggers. Well, speaking for all my old con cronies, and me too, it is better to drain the fluid from the transmission of a bull's private car than to fill it brimful in the joint garage, and in the canvas shop it is better to punch holes in his private tent that it is to patch them, and if in the wood shop you are building him a boat it is better to use water soluble glue than screws and waterproof caulking to hold it together. In life there must be laughter, for where there is no laughter there is no life—Thus Spake Slow George, but probably not first because it sounds too nifty.

And another thing: How do you think an old bull would feel if he brought in his car for a tune-up and didn't get his spark plugs dirtied and a hole punched in his radiator. You start failing to satisfy his expectations and he ain't gonna be happy—you see, I know a little psychological jargon too! How to you think the garage-men downtown feel if their business falls off. You see, you guys, you start doing things in the street way and not only do you make a lotta people unhappy, you also fuck with the economy of our great country.

So' howcum everybody whines and snivels about the guards' union and mean hacks? All they're trying to do is save Canada for the

Canadians. You don't find no pinkos in the guards' union.

Sure, they can get their cars fixed and their houses furnished on the cheap, but they don't make much money in pay. Even all the overtime they pad, and connive in other ways, isn't enough for them to live as well-off as those so devoted should. Jeez guys, I know one of the union fat cats who has to moonlight as a pig farmer, and even though bacon costs nearly three bucks a pound he ain't getting rich. He hasn't had a shoe shine for six years, and that speaks for itself. Says a lot, now that I think of it.

A little sympathy for the old bulls wouldn't be too much to ask. Look at the rest of the situation. You're on duty in the dome for night lock-up and you find some young bull has screwed up his count. You gotta go all the way to the top range to see what the hassle is and when you get there you find that half a dozen young cons, not one of them over forty, are having a sit-down demonstration because they figure the fifteen guys thrown into the hole that morning for trying to organize a sit-down should be let out. You try reasoning with them . . . "Look guys, it was the day shift that threw them fifteen guys in the hole, so hows about you sit-down demonstrate in the morning when the day shift comes on duty again. I mean, Hell, I got a bridge game happening soon's you're locked in and I got a skin book to read when the game's over, so I got a busy night ahead." They don't budge, so you get p'd off. You get your riot gear, you gas'em a little, thump a few heads and throw them in the hole. Next night you're back at the same old stand and, lo and behold, when you're doing your count you see some con in his cell trying to do himself in by banging his head against the wall. The rules don't allow performances like that so into his cell you go and deliver him up a few good shots in the head with your billy to subdue him. What the hell, he was keeping everybody awake.

Oh woe, the next night you're in the tower or out walking the dog,

because some young bull ratted on you in *his* whiney, snively bleeding heart way.

Well, it gets pretty dull up in the tower, so you have a sleep. Sleep is due anyway because your daytime job has been pretty hectic for the last week. Pumping gas ain't no picnic.

What happens? Half a tier of cons decide to go up and out over your section of the wall. Next morning you're on the carpet for not shooting them. Your story is that the rifle jammed and the radio batteries were dead. So the joint has an investigation and ends up buying new rifles and radios, and because you said the cons were up and over the wall so fast you couldn't get a decent shot anyway, the joint strings accordion barbed wire along the walls to slow them down the next time. Now you gotta spend a lotta time learning how to shoot the new guns and operate the new radios.

Or maybe you were out walking the dog. Now, those dogs are damn vicious. You end up getting your leg half gnawed off and lose a lotta time in the hospital. Just for the hell of it the doctors put you through a full set of rabies shots.

And all the while, all you wanted was a nice peaceful shift.

All I'm saying about the bulls is they got their problems too.

They ain't there to correct anybody. Only the day shift is into that trip and, then, not even all of them. As for the warden, well, he

only wants to go to Region. Course the old wardens aren't making it there quite so quick anymore, cuz the boys with the degrees are quicker with the words and slower with the action.

I guess they should have special joints for the old cons and the old bulls. None of this corrections crap, just the usual do your time and spring or croak, do your time and retire, with maybe a couple of regularly scheduled riots a year so that the cons can smash up some stuff belonging to the government and the bulls can smash up some bodies belonging to the cons.

Why correct the correctors, I say: why not just let the correctors correct the shit outta the cons that wanna be corrected and leave the rest alone.

So in closing this most profound of Slow George documents, let me in all my wisdom say this about that! Them that wanna be corrected don't usually need correctors—so who needs correctors but the correctors themselves?

Thought that was all I had to say didja? I never answered that question about the guards' union and its bullshit.

Well, all I've got to say about that is this. Some of the government is afraid to fire them and some of the government figure they're OK guys and the rest of the government don't give a damn one way or the other.

And if the guards go on strike, that's kinda cool, cuz at least then we get better room service. Anyway, no guards' strike'll last a long time cuz their old ladies'll boot their arses back to work.

Anyway, the Army boys should get a little experience inside the joint, cuz remember, a lotta them are gonna need prison guard pay to fatten their Army pensions and a lotta other ones are going to end up doing time also. Somethin' to remember.

Wanna really know how to get rid of them veteran guards? Very simple: start paying higher salaries to parking lot attendants and Commissioners.



FOREMOST PRISONERS RIGHTS AUTHORITIES TO SPEAK IN CALGARY

Much will be said about prisoners' rights at the Correcting Correctors Conference at the University of Calgary, the most significant, perhaps, being said by John Irwin when he addresses the conference during its third day.

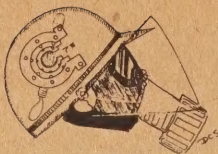
Author of *The Felon*, a landmark book in contemporary criminology writings, Irwin's work has been concentrated on the California prison system and ex-offenders for several years, particularly as their situation holds true for other systems and prisoners.

In 1972 he was the Project Director of a major evaluative study of Newgate and other prison education programs. He was also a Sponsor for Rebound, a project for ex-offenders attending San Francisco State University.

Since 1969, Irwin has been a member of the Board of Directors of the San Francisco-based Prisoners Union, and for the past three years he has been the representative of the American Sociological Association to the American Correctional Association.

John Irwin is currently an Associate Professor of Sociology, teaching at San Francisco State University.





Editorial

June, 1973, and in Regina gathered an impressive international array of corrections academics, professionals, line staff, inmates, and ex-inmates to spend a week pondering the problems in the criminal justice system.

Nothing momentous happened there, but there were some sidelights. The hospitality room, for instance. Montague, Klein, and a Weekend Magazine writer nearly busted for photographing bank interiors. Some stupendous social gaffs by correctors in conversation before they recognized the cons and ex-cons in their midst. GARBAGE IN—GARBAGE OUT.

October, 1975, and in Calgary is gathering another impressive international array of corrections academics, professionals, line staff, inmates, and ex-inmates to spend a week pondering the problems in the criminal justice system.

Something momentous has already happened. The conference itself. Momentous it is, because it comes during troubled times, for 1975 is the Year of the Police Lobby, the year when the cop-outs let the cops-in. For the liberals in the criminal justice system, the backlash is upon them.

Or is it? Sentences are getting longer, paroles are getting shorter, guard brutality is being sanctioned by the courts as essential to operation of prisons and jails, and cons are hitting the hole regularly for political activity. The lash will sting the correctors—career advancements may be slower for awhile—but the marks of the lash are being etched into the backs of the courted and conned, the defendants and the convicted.

Small wonder people gather to discuss Correcting the Corrector. Small wonder the term, *political implications*, will finally be breathed in the august official presence of correctors.

Example: "What are the political implications of treating crime as a disease?"

Political implications have for a long time been a serious consideration for many of the scheduled Conference speakers: Irwin, Echo-Hawk, Halleck, Montague, and more. In Regina, 1973, Nicholas Kittrie came closest; at least to the point of perceiving the implications of institutional programs as they tend to legitimize programs for greater society's other minorities.

We heard a lot about, "we do the best we can with what we've got", while in Regina. So much that by the end of the second day two *Transition* staffers, who'd paid their own freight to the conference, were concentrating on the hospitality room in order to drink up free booze commensurate with their cost to come. They broke even, which is more than can be said for most attendance that week.

Inside the Calgary conference will be some exceptional elements. Opportunities for obfuscation, pontification, and the other shoddier features endemic to

conferences have been almost reduced to the point of elimination. Hopefully. None of the papers delivered by speakers will be principally intended to further careers, for the speakers are either solidly entrenched in their reputations and careers or don't particularly give a damn about either. There'll be some righteous axe-grinding, but this is in the nature of any political activity.

The Calgary conference is issue-oriented, and in light of this those who attend can expect to hear some very pointed questions and spirited answers. Native problems and prisoners' rights are crucial issues—in Calgary they will be focal issues. Not only are these matters of current corrections concern, they are matters which until recently have been summarily swept under the rug. For example, the number of lawyers who work predominantly in the field of prisoners' rights can almost be counted on one hand. The number of lawyers who work in native rights litigation or native criminal matters are just as few.

Another issue, that of the prisoner as (mental) patient, has only recently come alive in Canada, although, in the United States, campaigns against certain treatment practices have had a profound effect in eliminating irresponsible research and treatment programs.

Over the years there has been virtually no effort on the part of correctors to assess their own ethics. Perhaps the presumption has been that, if the government sanctions something, it must be OK, but obviously such an attitude is no longer sufficient justification. This Calgary conference may signal the first concerted effort on the part of correctors to examine their own consciences. Wishful thinking? Perhaps. If one discounts staunch medical model practitioners, which one realistically cannot do, for they are as prevalent as lemmings during the march to the sea.

An important, and perhaps unique, feature of this conference is to be found in the access students will have to all participants. Indeed, the scheduled addresses of the main speakers will take secondary place to the workshops and discussion sessions.

Despite all this, there is still some doubt. About all this seriousness is an aura of much ado about nothing. Information sharing—yes. Discussion—yes. Improved understanding—yes.

But, there is a frightening element of the religious in every profession. Particular this is so in the social science professions, including such marginal areas as social work, police work, the judiciary—people professions and quasiprofessions which help and control other people. Much said and much done embodies ritual, ethics, personality, and murky rhetoric. As the cultist element is strengthened, accountability can be lessened; as the public's faith is increased, responsibility can be lessened. Correctors are a close-mouthed lot. Partly because they've *never* been accountable before, not even within their own respective professions. They are also controlled. Not so? Count the prison direc-

tors/wardens, senior police officials, politicos, assistant deputy ministers, and attorney-generals' people—in other words, the decision-makers, who are not present at the conference.

The weaknesses of institutionalized professionalism, while more damaging in corrections than in most fields, are not the wellspring of doubts.

No less an eminence than psychologist Carl Rogers, speaking at a gathering of the American Psychology Association, observed of his profession that it would be well advised to look beyond finding ways for people to adapt or be adapted to society and look at society itself.

The same apolitical message comes from the helpee side of the coin too.

A few years ago, an inmate in the Saskatchewan Penitentiary in writing a critique of a Native Brotherhood workshop at the penitentiary wrote: "there seems to be two dominant expressions at the workshop: that of those natives who want a bigger slice of the pie and who are prepared to be assimilated into the pie to

get it, and that of those natives who resist being assimilated and argue for maintenance of traditional native ways. To the former: you want to be assimilated into *that* spun-out crap-can society! To the latter: the buffalo are gone; they got them, and in time they'll get you too. To all: you share your problem with a hundred other minorities. You don't know it, they don't know it. Until the problem is shared knowingly there can be no solution."

Perhaps it is time for correctors to consider Rogers' message. It may be as valid a correctional function to protect the offender from society as to protect society from the offender until the "corrector" can make society a reasonable realizable set of systems geared to optimal human benefit. Such considerations are not on the Calgary agenda; thus, we doubt. To do your best with what little you have, often in the face of adversity, is not enough. Nor is awareness a synonym for action. And the first person who says, "this conference is for me a real learning experience", should be punched in the mouth!

—AEM

Correcting Correctors Conference Schedule

Monday, October 20, 1975

Tear Down the Walls?

The De-institutionalization Movement

In recent years there has been an increasing trend towards the use of community-based corrections. Why is this movement gaining popularity in corrections? What is involved in community-based corrections? What interorganizational participatory structures exist? What is needed?

Key Participants:

Mr. William R. Outerbridge, Chairman
National Parole Board, Solicitor General, Canada
Mr. Donald R. McComb
Director, Justice Councils, Attorney-General, Province of British Columbia
Prof. Robert Martinson
Department of Sociology, The City University of New York

Tuesday, October 21, 1975:

**The Prisoner as Patient:
Trick, Treatment, or Torture?**

Today, some claim that those who advocate a medical model approach to crime and corrections are on the way to becoming the chief definers of reality for the criminal justice system. What are the political implications of treating crime as disease? What does this mean for one caught in the arms of the law? Where do legal and moral accountability for both the therapist and the "patient" lie under the medical model approach?

Key Participant:

Dr. Seymour L. Halleck
Director of Student Psychiatry, University of North Carolina

Wednesday, October 22, 1975:

Natives and Corrections:

Prison Racism and Inequality

Are we all equal under law? What is the status of Natives when they are in conflict with the law? Some provincial institutions resemble debtors' prisons for Native offenders. Does this imply unequal justice? Are Native inmates subjected to racist practices when they enter and try to leave prison?

Key Participants:

Mr. Walter Echo-Hawk
Co-Director, Prison Project, Native American Rights Fund
Prof. Douglas Schmeiser
Dean, Faculty of Law, University of Saskatchewan

Thursday & Friday, October 23 & 24, 1975:

Prisoners' Rights:

Prisoners Unite

Our prisons should help to instill a sense of respect in offenders for the law and our system of criminal justice. Do our correctional agencies present a model of lawful behaviour or are they themselves lawless? What are the rights of prisoners? How are these rights sometimes abused? What kinds of remedial actions are being proposed and undertaken to insure that prisoners are not deprived of fundamental human rights?

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PRISONERS UNION COMMITTEE

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STATEMENT OF PURPOSES OF THE PRISONERS UNION COMMITTEE

The Prisoners' Union Committee was formed in early 1975, to provide support from outside the prisons, to those prisoners organizing themselves collectively within the prisons to establish their basic rights. The Committee consists of former prisoners, friends and relatives of prisoners, legal workers, teachers, social workers, criminologists, and other persons who have work or other general social interests with prisoners.

Initially the Committee began by studying and analyzing the prison system, and the criminal legal system. However soon after its formation, in response to positive steps by prisoners of both federal and provincial institutions in British Columbia, the Committee began to actively support prisoners by providing legal and office services, media representation, research and other services.

With respect to its study of the Canadian prison system, the Committee examined such issues as; the prison disciplinary system--the arbitrary nature of wardens' court--the psychological effects of isolation; the denial of basic rights such as a fair wage and educational and job training; the denial of consistent and private contact with family and friends.

With respect to the Canadian criminal system, the Committee also engaged in research and analysis of a number of areas. It studied the manner in which the criminal law treated property offences committed by the poor and working class individuals, and the different manner in which the law responded to price fixing offences and non-offences such as profiteering--both committed by corporations and businessmen. It also studied victimless offences such as possession of drugs petty trafficking and soliciting. It studied the ways in which the law responded to acts of personal violence such as assault, and the different way in which the law responded to acts of violence resulting, for example from breaches of industrial safety legislation. The former are most often committed by poor and working class individuals while the latter are most often committed by corporations and businessmen.

The Committee believes that the political function of prisons and the criminal justice system as a whole in Canada, as in the United States and many other countries, is to control the activities of poor people in order to keep them at the bottom of the economic scale. The Committee believes that a society which is based on unequal social and economic relationships among its members needs prisons to maintain order. The prisons and the criminal justice system in total prevent people from changing the economic and social hierarchy. In focusing peoples' attention on such things as an increasing crime rate, or the need to rehabilitate prisoners, politicians and community leaders try to mask over the deeper causes of crime in society.

The Committee is of the view that to a greater or lesser extent, all crime arises out of poverty, economic and cultural deprivation, and in this sense, almost all prisoners in this society are to some degree political prisoners. That is, most persons are in jail because they are poor people who have committed crimes against property and they have in common an economic background of working class or poverty. In addition, in the Province of British Columbia, for example, almost one-third of the total number of prisoners are from the native Indian class.

Prisoners are probably the most totally oppressed class of individual in Canadian society; native prisoners are probably the most oppressed group within this class. They are dominated by the arbitrary power held over them by judges, wardens, guards and parole boards. Even after they are paroled, they are oppressed by parole officers who have power to suspend the parole at any time.

Institutions within the penitentiary, such as Warden's Court, have no resemblance of justice or civil rights. They are completely arbitrary, separated by the immediate superior of the guard making allegation against the prisoner. Invariably, if a guard alleges something against a prisoner and the charge is proceeded with, the prisoner is found guilty. He may be punished by withdrawal of recreation privileges, or something more major, including the systematic

torture of incarceration in the solitary confinement unit, called the "hole".

Although the Committee realizes that there are many reforms to be sought for prisoners, it supports primarily prisoners who are focused on the aim of organizing themselves into trade union-like organizations. The Committee believes along with many prisoners themselves, that if prisoners are not fighting the enemy individually, but are carrying on the struggle collectively, that they will have more power. There is a great amount of similarity between prisoners and workers in the larger community. Prisoners are forced to work on Government projects, often manufacturing goods, such as license plates, or constructing and painting buildings, or doing repair to automobiles or shoes and so on, which usually is available for the benefit of guards and other penitentiary staff. The prisoners are paid on the average 10¢ an hour for the work they do for the government. Sometimes the fruits and benefits of their work can be purchased at totally nominal cost. Prisoners at the Matsqui Penitentiary in B.C. are presently building houses for the Department of Indian Affairs and are being paid 10¢ an hour for their labor.

Among the goals of the prisoners being supported by the Committee are the following:

1. Establishment of a trade union-like organization of prisoners in each of the Federal and Provincial prisons in British Columbia (and ultimately in all of Canada.)
2. A reasonable wage for the work done by prisoners, including workers' compensation benefits and other benefits, such as unemployment insurance.
3. Thorough analysis of the costs of the prison system to point up the fact the taxpayers' money is wasted and that better use would be made of community resources if prisoners have a complete right of self-determination of rehabilitation programs.
4. Alterations in the internal disciplinary structures of prisons so that when a dispute arises between a guard and an inmate, a committee made up of a representative of guards, and a representative of the inmate, and a representative of chosen jointly by the other two representatives would be responsible for resolving the dispute.
5. Publication of a code for behavior within prisons (which would be made available to all prisoners) so that the degree of arbitrariness exercised by guards and wardens will be reduced. No holding proceedings without guarantees of due process..
6. No refusals, suspensions, revocation, or forfeitures of parole by the National Parole Service without a hearing with due process guarantees.
7. A stop to the arbitrary use of transfer mechanism, that is, the transfer of an inmate from one prison to another or from a prison in one Province to a prison in another Province because of his political or organizing activities.
8. Abolition of the solitary confinements units.
9. Better medical aid in prisons.
10. Conjugal visiting privileges in both male and female prisons.
- 11.. Study of sentencing procedures and prison systems in other parts of the world, including the Cuban and Chinese criminal justice systems, with a view to withdrawal of prison sentences as a tool of the criminal justice system.